

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
FELIX NKANSAH,

Petitioner,

-v-

UNITED STATES OF AMERICA,

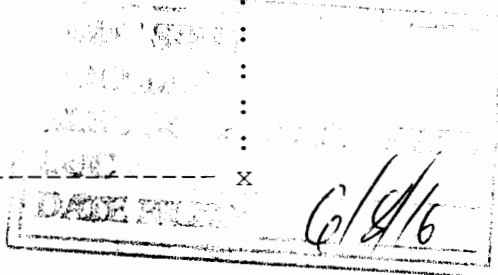
Respondent.
----- x

JED S. RAKOFF, U.S.D.J.

08 cr 1234-07 (JSK)

15 Civ. 5100 (JSR)

ORDER



On December 14, 2015, the Honorable James L. Cott, United States Magistrate Judge, issued a Report and Recommendation in the above-captioned action recommending the denial of petitioner Felix Nkansah's petition filed pursuant to 28 U.S.C. § 2255. On March 15, 2016, petitioner, proceeding pro se, submitted objections to certain portions of the Report and Recommendation. The Court has reviewed the petition, Nkansah's objections, and the underlying record de novo.

Having done so, the Court finds itself in complete agreement with Judge Cott's fine Report and Recommendation and hereby adopts its reasoning by reference. Accordingly, the Court dismisses the petition, with prejudice. In addition, because petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. See 28 U.S.C. § 2253. Moreover, the Court certifies that any appeal by petitioner from this Order would not be taken in good faith, as petitioner's claim lacks any arguable basis in law or fact, and therefore permission to proceed in forma pauperis is denied. See 28 U.S.C. § 1915(a)(3); see also In re Seimon, 421 F.3d 167, 169 (2d Cir. 2005).

The Clerk of the Court is hereby directed to close the motion at document number 108 on the criminal docket of this case, U.S. v. Nkansah, 08-cr-1234-3 (JSR), and to enter judgment on the civil docket.

SO ORDERED.

Dated: New York, New York
June 7, 2016



JED S. RAKOFF, U.S.D.J.